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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JUSTIN LAFFERTY,  
Plaintiff,  
v.  
JAMES DZURENDA et al.,  
Defendants.

2:17-cv-01093-JAD-VCF  
**ORDER**

**I. DISCUSSION**

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1).

Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate on this Court’s approved form or an inmate account statement.<sup>1</sup> (See ECF No. 1). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must file

<sup>1</sup> The Court notes that Plaintiff states that after two attempts the NDOC will not provide Plaintiff with a federal financial certificate “so this state [one] will have to do.” (ECF No. 1 at 4).

1 a fully complete application to proceed *in forma pauperis*.

2 If, however, Plaintiff continues to have difficulty obtaining a financial certificate and an  
3 inmate account statement from prison officials, Plaintiff shall file an affidavit in this case  
4 detailing when he requested the documents, who he spoke to about the status of the  
5 documents, who he followed up with after he did not receive the documents, and their  
6 responses. In other words, if Plaintiff is unable to acquire the necessary documents from  
7 prison officials, he must provide the Court with an affidavit that demonstrates that he has done  
8 all that he could to acquire the documents by the Court's deadline. Plaintiff's affidavit should  
9 include dates of his requests, dates of his follow-up requests, names of the prison officials that  
10 he spoke to about the matter, and their responses. If Plaintiff's affidavit demonstrates that he  
11 has done all that was possible to acquire the documents, the Court will consider his application  
12 to proceed *in forma pauperis* complete.<sup>2</sup>

## 13 **II. CONCLUSION**

14 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*  
15 *forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

16 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the  
17 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document  
18 entitled information and instructions for filing an *in forma pauperis* application.

19 IT IS FURTHER ORDERED that **on or before Wednesday, May 24, 2017**, Plaintiff  
20 shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct  
21 form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) file  
22 an affidavit detailing the efforts he took to acquire a financial certificate and an inmate account  
23 statement from prison officials. If Plaintiff chooses to file an affidavit, his affidavit must  
24 describe the actions he took to acquire the documents through **Wednesday, May 17, 2017**.  
25 Plaintiff shall not file an affidavit before that date. Additionally, Plaintiff must submit an  
26 application to proceed *in forma pauperis* to this Court even if he is unable to acquire the  
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28 <sup>2</sup> Plaintiff must still submit an application to proceed *in forma pauperis* with his affidavit.

1 necessary attachments from prison officials.

2 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,  
3 dismissal of this action may result.

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5 DATED: This 24th day of April, 2017.

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United States Magistrate Judge